

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

United States of America,

Plaintiff,

-v-

Case No. 2:10-cr-155

Kirk Christopher Sutton,

Judge Michael H. Watson

Defendant.

ORDER

Before the Court is the Report and Recommendation (ECF No. 22) from the Magistrate Judge that Defendant's plea of guilt be accepted. On October 26, 2010, the Court held a hearing to observe and speak to Defendant prior to accepting the Report and Recommendation from the Magistrate Judge.

The Court previously reviewed and considered the competency report submitted by Dr. Steve Sparks that found Defendant to be competent and able to consult with his lawyer and participate in the proceedings against him with a reasonable degree of rational understanding. Defense counsel also stipulated to the findings in the report and agreed that Defendant participates in his defense and is competent. The Court previously issued an order (ECF No. 20) accepting the Magistrate Judge's Report and Recommendation that Defendant was competent to stand trial and expressly finding Defendant competent to stand trial.


The Court has reviewed the hearing transcript from the July 8, 2010 arraignment

during which Defendant consented to plead before the Magistrate Judge and also entered a plea of guilty to the charge of possession of a firearm. The Court has also carefully reviewed and considered the Report and Recommendation (ECF No. 22) from the Magistrate Judge that Defendant's plea of guilt be accepted. The Court notes no party filed any objection to the Magistrate Judge's Report and Recommendation. Furthermore, the presentence investigation report has been prepared and the Court has reviewed it in its entirety.

Having reviewed the aforementioned documents and finding the Report and Recommendation to be sound, the Court finds that Defendant knowingly and voluntarily tendered a plea of guilty to the charge and the Court hereby **ACCEPTS** the plea and **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety.

The Court sets this matter for sentencing on **Tuesday, November 16, 2010, at 2:00 p.m. in Courtroom 3.**

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT